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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 2nd September, 1973/Bhadra 11, 1895 (Saka)

The following President's Act is published for general information:—

THE UTTAR PRADESH STATE UNIVERSITIES ACT, 1973

NO. 10 OF 1973

Enacted by the President in the Twenty-fourh Year of the Republic of India.

An Act to amend and consolidate the law relating to certain Universities

In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973, the President is pleased to enact as follows:— 33 of 1973.

CHAPTER I

PRELIMINARY

Short title, commencement and application.

1. (*1*) This Act may be called the Uttar Pradesh State Universities Act, 1973.

(2) It shall come into force on such date as the State Government may, by notification in the Gazette, appoint and different dates may be appointed in relation to different existing Universities and references to commencement of this Act in relation to an existing University shall be construed as the date on which this Act comes into force in relation thereto.

(3) In its application to the Varanaseya Sanskrit Vishvavidyalaya (which after the coming into force of this Act in relation to that University shall be called the Sampurnanand Sanskrit Vishvavidyalaya), the State Government may, by notification in the Gazette, make such exceptions or modifications not affecting the substance, in the provisions of this Act, as the circumstances may require.

(4) (*a*) In its application to the Kashi Vidyapith after it is established as a University under sub-section (2) of section 4, the State Government may, by notification in the Gazette, make such exceptions or modifications not affecting the substance, in the provisions of this Act, as the circumstances may require.

(*b*) Without prejudice to the generality of the power under clause (*a*), such exceptions and modifications may be made in provisions relating to the manner of appointment of officers (including provisions regarding any office held *ex officio*) and to the constitution of the authorities of that University.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*1*) "Academic Council", "Court" and "Executive Council" mean respectively the Academic Council, the Court and the Executive Council of the University;

(*2*) "affiliated college" means an institution affiliated to the University in accordance with the provisions of this Act and Statutes of that University;

(*3*) "area of the University" means the area specified in respect of the University by or under section 5 or section 4, as the case may be;

(*4*) "associated college" means any institution recognised by the University and authorised under the provisions of this Act to provide for the teaching necessary for admission to a degree of the University;

(*5*) "autonomous college" means an affiliated or associated college declared as such in accordance with the provisions of section 42;

(*6*) "constituent college" means an institution maintained by the University or by the State Government and named as such by the Statutes;

(*7*) "Director", in relation to an Institute, means the head of such Institute;

(*8*) "existing University" means the University of Lucknow, Allahabad, Agra, Gorakhpur, Kanpur or Meerut or the Sampurnanand Sanskrit Vishvavidyalaya, as the case may be;

(*9*) "faculty" means a faculty of the University;

(*10*) "hall (or college) of a University" means a unit of residence for students maintained or recognised by the University at which provision is made for imparting tutorial and other supplementary instruction;

(*11*) "hostel of a University" means a unit of residence for students maintained or recognised by the University, other than a hall, and "hostel of an affiliated or associated college" means a unit of residence for students of that college;

(*12*) "Institute" means an Institute established by the University under section 44;

(*13*) "management", in relation to an affiliated or associated college, means the managing committee or other body charged with managing the affairs of that college and recognised as such by the University;

(*14*) "prescribed" means prescribed by Statutes;

(*15*) "Principal", in relation to an affiliated, associated or a constituent college, means the head of such college;

(*16*) "registered graduate" means a graduate of the University registered under the provisions of this Act or under any enactment repealed by this Act;

(*17*) "Statutes", "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances and Regulations of the University;

(*18*) "teacher" means a person employed by the University or by a constituent, affiliated or associated college for imparting instruction or guiding or conducting research and includes a Principal or a Director;

(*19*) "teacher of the University" means a teacher employed by the University for imparting instruction and guiding or conducting research either in the University or in an Institute or in a constituent college maintained by the University;

(*20*) "University" means an existing University or a new University established after the commencement of this Act under section 4;

(*21*) "Working Men's College" means an affiliated or associated college recognised as such in accordance with the provisions of section 43.

CHAPTER II

THE UNIVERSITIES

Incorporation of Universities.

3. (*1*) The Chancellor, the Vice-Chancellor and the members of the Executive Council, the Court and the Academic Council for the time being holding office as such in any University shall constitute a body corporate by the name of that University.

(*2*) Each University shall have perpetual succession and a common seal and shall sue and be sued by its name.

Establishment of new Universities and alteration of the areas or names of Universities.

4. (*1*) With effect from such date as the State Government may by notification in the Gazette appoint in that behalf, there shall be established a University of Kumaun at Naini Tal and a University of Garhwal at Srinagar (District Garhwal) for the areas respectively specified in the Schedule.

(*2*) With effect from such date as the State Government may, by notification in the Gazette, appoint in that behalf, the institution known as Kashi Vidyapith at Varanasi shall be deemed to be a University established under the provisions of this Act.

(*3*) As from the date appointed under sub-section (*2*),—

(*i*) the society known as the Kashi Vidyapith, Varanasi, shall be dissolved, and all property movable and immovable, and rights, powers and privileges of the society shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is established,

(*ii*) all debts, liabilities and obligations of the said society shall be transferred to the University and shall thereafter be discharged and satisfied by it;

(*iii*) all references in any enactment to the said society shall be construed as reference to the University;

(*iv*) any will, deed or other document, whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour of the said society shall be construed as if the University was therein named instead of such society;

(*v*) subject to the provisions of this Act, every person employed immediately before the said date in the said society shall with effect from that date, become an employee of the University by the same tenure and upon the same conditions of service or conditions as similar thereto as changed circumstances may permit as he would have held under the said society, if such notification had not been issued.

(4) The State Government may, by notification in the Gazette—

(*a*) increase the area of a University;

(*b*) diminish the area of a University; or

(*c*) after the name of a University:

Provided that no such notification shall be issued except with the previous approval by resolution, of both the Houses of the State Legislature.

(5) Any notification under this section may contain such provisions for the amendment of the Schedule and the Statutes, Ordinances and Regulations of the University or Universities affected by such notification, as may be necessary to give effect to the provisions of the notification, and thereupon the Schedule and such Statutes, Ordinances and Regulations shall stand amended accordingly.

(6) Without prejudice to the generality of the provisions of sub-section (5), any notification under this section may provide for the following matters, namely—

(*a*) provisions in respect of representation of various interests or classes of persons in the authorities of the University or Universities affected by the said notification;

(*b*) provisions for exercise of option by registered graduates of any then existing University to continue to remain registered graduates of the same University or to get registered with a newly established University, so however, that no person shall be registered graduate of more than one University;

(*c*) such other supplemental, incidental and consequential provisions as the State Government may deem necessary.

Explanation.—For the purposes of this section and section 5, "Kashi Vidyapith" means the institution known as Kashi Vidyapith at Varanasi established and administered by the Society known as Kashi Vidyapith registered under the Societies Registration Act, 1860 in respect of which the Nirikshak Sabha of the said Society has passed a resolution on 28th May, 1972 requesting the State Government to take over the entire movable and immovable properties of the said institution and to convert it into a State University.

Territorial exercise of powers.

5. (*1*) Save as otherwise provided by or under this Act, the powers conferred on each University (other than the Sampurnanand Sanskrit Vishvavidyalaya and the Kashi Vidyapith) shall be exercisable in respect of the area for the time being specified against it in the Schedule.

(*2*) The Sampurnanand Sanskrit Vishvavidyalaya may affiliate institutions situated in any part of the territory of India and recognize teachers of, and admit to its examinations candidates from such territory or abroad:

Provided that the Vishvavidyalaya shall not—

(*a*) affiliate an institution outside Uttar Pradesh, or

(*b*) recognize any teacher employed in an institution situated outside Uttar Pradesh and maintained by any Government,

except upon the recommendation of the Government concerned.

(*3*) Nothing in this Act relating to affiliation or recognition of colleges shall apply to the Kashi Vidyapith.

(*4*) Notwithstanding anything contained in sub-section (*1*), the powers conferred on the Kanpur University in respect of instruction and research in the Ayurvedic and Unani systems of medicine and advancement and dissemination of knowledge thereof shall be exercisable throughout Uttar Pradesh.

University open to all classes and creed.

6. The University shall be open to all persons irrespective of class or creed, but nothing in this section shall be deemed to require the University to admit to any course of study a larger number of students than may be determined by the Ordinances:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for admission of students belonging to the Scheduled Castes or Scheduled Tribes.

Powers and duties of the University.

7. The University shall have the following powers and duties, namely:—

(*1*) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge;

(*2*) to admit any college to the privileges of affiliation or recognition or to enlarge the privileges of any college already affiliated or recognised, as the case may be, or to withdraw or curtail any such privilege and to guide and control the work of affiliated and associated colleges;

(*3*) to institute degrees, diplomas and other academic distinctions;

(*4*) to hold examinations for, and to grant and confer degrees, diplomas and other academic distinctions to and on persons, who—

(*a*) have pursued a course of study in the University, a constituent college or an affiliated college, or an associated college; or

(*b*) have carried on research in the University or in an institution recognised in that behalf by the University or independently, under conditions laid down in the Statutes and the Ordinances; or

(c) have pursued a course of study by correspondence whether residing within the area of the University or not, and have been registered by the University subject to such conditions as may be laid down in the Statutes and Ordinances as external candidates; or

(d) are teachers or other employees in the University or in an Institute or in a constituent or affiliated or associated college or in any other educational institution under conditions laid down in the Statutes and the Ordinances or are inspecting officers permanently employed in the Department of Education of the State Government, and have carried on private studies under conditions laid down in the Statutes and the Ordinances; or

(e) are women residing within the area of the University and have carried on private studies under conditions laid down in the Statutes and Ordinances; or

(f) are blind and are residing within the area of the University and have carried on private studies under conditions laid down in the Statutes and the Ordinances;

(5) to hold examinations for and to grant the degree of Bachelor of Arts or Commerce or Master of Arts or Commerce to persons residing within the area of the University who have carried on private studies under conditions laid down in the Statutes and the Ordinances;

(6) to confer honorary degrees or other academic distinction in the manner and under conditions laid down in the Statutes;

(7) to grant such diplomas to, and to provide such lectures and instructions for persons, not being students of the University, as the University may determine;

(8) to co-operate or collaborate with other Universities and authorities in such manner and for such purposes as the University may determine;

(9) to institute teaching posts required by the University and to appoint persons to such posts;

(10) to recognize teachers for giving instruction in halls;

(11) to lay down the conditions of affiliation or recognition of colleges and to satisfy itself by periodical inspection and otherwise that those conditions are satisfied;

(12) to institute and award scholarships, fellowships (including travelling fellowship), studentships and prizes in accordance with the Statutes and the Ordinances;

(13) to institute and maintain halls and hostels and to recognize places of residence for students of the University, the Institutes or the constituent or affiliated or associated colleges;

(14) to demand and receive such fees and other charges as may be fixed by the Ordinances;

(*15*) to supervise and control the residence and to regulate the discipline of students of the University, the Institute and the constituent or affiliated or associated colleges and to make arrangements for promoting their health;

(*16*) to create administrative, ministerial and other necessary posts and to make appointments thereto; and

(*17*) to do all such acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

CHAPTER III

INSPECTION AND INQUIRY

Visitation.

8. (*1*) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of the University or any constiutent college or any Institute maintained by the University, including its buildings, libraries, laboratories, workshops and equipment and also of the examinations, teaching and other work conducted or done by the University or such colleges or Institute or to cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the University or such college or such Institute.

(*2*) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (*1*), it shall inform the University of the same through the Registrar, and any person nominated by the Executive Council may be present at such inspection or inquiry as representative of the University and he shall have the right to be heard as such:

Provided that no legal practitioner shall appear, plead or act on behalf of the University at such inspection or inquiry.

(*3*) The person or persons appointed to inspect or inquire under sub-section (*1*) shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling production of documents and material objects, and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898, and any proceeding before him or them shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

(*4*) The State Government shall address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the State Government with such advice as the State Government may offer upon the action to be taken thereon.

(*5*) The Vice-Chancellor shall then within such time as the State Government may fix, submit to it a report of the action taken or proposed to be taken by the Executive Council.

(6) If the University authorities do not, within a reasonable time, take action to the satisfaction of the State Government, the Government, may, after considering any explanation which the University authorities may furnish, issue such directions as it may think fit, and the University authorities shall be bound to comply with such directions.

(7) The State Government shall send to the Chancellor a copy of every report of an inspection or inquiry caused to be made under sub-section (1) and of every communication received from the Vice-Chancellor under sub-section (5) and of every direction issued under sub-section (6) and also of every report or information received in respect of compliance or non-compliance with such direction.

(8) Without prejudice to the provisions of sub-section (6), if the Chancellor on consideration of any document or material referred to in sub-section (7) of this section including any report of an inquiry held before the commencement of this Act, is of opinion that the Executive Council has failed to carry out its functions or has abused its powers, he may, after giving it an opportunity of submitting a written explanation, order that in supersession of the said Executive Council, an *ad hoc* Executive Council, consisting of the Vice-Chancellor and such other persons not exceeding ten in number as the Chancellor may appoint in that behalf including any member of the superseded Executive Council, shall for such period not exceeding two years, as the Chancellor may from time to time specify, and subject to the provisions of sub-section (11), exercise and perform all the powers and functions of the Executive Council under this Act.

(9) Nothing in section 20 shall apply to the composition of the *ad hoc* Executive Council that may be constituted under sub-section (8).

(10) Upon an order being made under sub-section (8), the term of office of all members of the Executive Council superseded thereby, including *ex officio* members, shall cease and all such members shall vacate their offices as such.

(11) During the period of operation of an order under sub-section (8), the provisions of this Act shall have effect subject to the following modifications, namely:—

(a) in section 20, after sub-section (5), the following sub-section shall be deemed inserted:—

"(6) A meeting of the Executive Council shall be held at least once every two months.";

(b) in section 21, in sub-section (1), after the words "subject to the provisions of this Act", the words "and subject also to the control of the Chancellor" shall be deemed inserted;

(c) in section 24, in sub-section (2), the words "and shall upon a requisition in writing signed by not less than one-fourth of the total membership of the Court" shall be deemed omitted.

(12) A fresh Executive Council shall be constituted in accordance with the provisions of section 20 with effect from the expiration of the period of operation of an order under sub-section (8).

(*13*) Any Statute, Ordinance, Regulation or order made during the period of operation of an order under sub-section (*8*), in accordance with the provisions of this Act, as deemed modified by virtue of the provisions of sub-section (*11*), shall, notwithstanding the expiration of such period, continue in force until amended, repealed or rescinded in accordance with the provisions of this Act.

CHAPTER IV

OFFICERS OF THE UNIVERSITIES

Officers of the University.

9. The following shall be the officers of the University:—

(*a*) the Chancellor;

(*b*) in the case of Sampurnanand Sanskrit Vishvavidyalaya only, the Pro-Chancellor;

(c) the Vice-Chancellor;

(*d*) in the case of Universities referred to in sub-section (*1*) of section 14, the Pro-Vice-Chancellor;

(*e*) the Finance Officer;

(*f*) the Registrar;

(*g*) the Dean of the Faculties;

(*h*) the Dean of Students Welfare;

(*i*) such other officers as may be declared by the Statutes to be the officers of the University.

The Chancellor.

10. (*1*) The Governor shall be the Chancellor of the University. He shall, by virtue of his office be the Head of the University and the President of the Court and shall, when present, preside at meetings of the Court, and at any convocation of the University.

(*2*) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.

(*3*) It shall be the duty of the Vice-Chancellor to furnish such information or records relating to the administration of the affairs of the University as the Chancellor may call for.

(*4*) The Chancellor shall have such other powers as may be conferred on him by or under this Act or the Statutes.

Pro-Chancellor.

11. (*1*) Maharaja Vibhuti Narain Singh of Varanasi shall continue to be the Pro-Chancellor for life of the Sampurnanand Sanskrit Vishvavidyalaya.

(*2*) The Pro-Chancellor shall, in the absence of the Chancellor, preside at meetings of the Court and at any convocation of the Vishvavidyalaya.

(*3*) The Pro-Chancellor shall have such other powers as may be conferred upon him by or under this Act or the Statutes.

The Vice-Chancellor.

12. (*1*) The Vice-Chancellor shall be a whole-time salaried officer of the University and shall be appointed by the Chancellor except as provided by sub-section (*5*) or sub-section (*10*) from amongst the persons whose names are submitted to him by the Committee constituted in accordance with the provisions of sub-section (*2*).

(*2*) The Committee referred to in sub-section (*1*) shall consist of the following members, namely:—

(*a*) one person (not being a person connected with the University, an Institute a constituent college, an associated or affiliated college or a hall or hostel) to be elected by the Executive Council;

(*b*) one person who is or has been a Judge of the High Court of Judicature at Allahabad including the Chief Justice thereof, nominated by the said Chief Justice; and

(c) one person to be nominated by the Chancellor who shall also be the convenor of the Committee.

(*3*) The Committee shall, as far as may be, at least sixty days before the date on which a vacancy in the office of the Vice-Chancellor is due to occur by reason of expiry of term or resignation under sub-section (*7*), and also whenever so required and before such date as may be specified by the Chancellor, submit to the Chancellor the names of not less than three and not more than five persons suitable to hold the office of the Vice-Chancellor. The Committee shall, while submitting the names, also forward to the Chancellor a concise statement showing the academic qualifications and other distinctions of each of the persons so recommended, but shall not indicate any order of preference.

(*4*) Where the Chancellor does not consider any one or more of persons recommended by the Committee to be suitable for appointment as Vice-Chancellor or if one or more of the persons recommended is or are not available for appointment and the choice of the Chancellor is restricted to less than three persons, he may require the Committee to submit a list of fresh names in accordance with sub-section (*3*).

(*5*) If the Committee in the case referred to in sub-section (*3*) or sub-section (*4*) fails or is unable to suggest any names within the time specified by the Chancellor, another Committee consisting of three persons of academic eminence shall be constituted by the Chancellor which shall submit the names in accordance with sub-section (*3*).

(*6*) No act or proceeding of the Committee shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or by reason of some person having taken part in the proceedings who is subsequently found not to have been entitled to do so.

(*7*) The Vice-Chancellor shall hold office for a term of three years from the date on which he enters upon his office:

Provided that the Vice-Chancellor may by writing under his hand addressed to the Chancellor resign his office, and shall cease to hold his office on the acceptance by the Chancellor of such resignation.

(*8*) Subject to the provisions of this Act, the emoluments and other conditions of service of the Vice-Chancellor shall be such as may be

determined by the State Government by general or special order in that behalf.

(*9*) The Vice-Chancellor shall not be entitled to the benefit of any pension, insurance or provident fund constituted under section 33.

(*10*) In any of the following circumstances (of the existence of which the Chancellor shall be the sole judge), the Chancellor may appoint any suitable person to the office of Vice-Chancellor for a term not exceeding six months as he may specify—

(*a*) where a vacancy in the office of Vice-Chancellor occurs or is likely to occur by reason of leave or any other cause, not being resignation or expiry of term, of which a report shall forthwith be made by the Registrar to the Chancellor;

(*b*) where a vacancy in the office of Vice-Chancellor occurs and it cannot be conveniently and expeditiously filled in accordance with the provisions of sub-sections (*1*) to (*5*);

(c) any other emergency:

Provided that the Chancellor may, from time to time, extend the term of appointment of any person to the office of Vice-Chancellor under this sub-section, so however, that the total term of such appointment (including the term fixed in the original order) does not exceed one year.

(*11*) Until a Vice-Chancellor appointed under sub-section (*1*) or sub-section (*5*) or sub-section (*10*) assumes office, the Pro-Vice-Chancellor, if any, or where there is no Pro-Vice-Chancellor, the senior-most Professor of the University in the case of the University of Gorakhpur and any University mentioned in or specified under section 38, or the senior-most Principal of an affiliated college in the case of any other University shall discharge the duties of the Vice-Chancellor as well.

Powers and duties of the Vice-Chancellor.

13. (*1*) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall—

(*a*) exercise general supervision and control over the affairs of the University including the constituent colleges and the Institutes maintained by the University and its affiliated and associated colleges;

(*b*) give effect to the decisions of the authorities of the University;

(c) in the absence of the Chancellor, preside at meetings of the Court and at any convocation of the University;

(*d*) be responsible for the maintenance of discipline in the University.

(*2*) He shall be an *ex officio* member and Chairman of the Executive Council, Academic Council and the Finance Committee.

(*3*) He shall have the right to speak in and otherwise to take part in the meeting of any other authority or body of the University but shall not by virtue of this sub-section be entitled to vote.

(4) It shall be the duty of the Vice-Chancellor to ensure the faithful observance of the provisions of this Act, the Statutes and the Ordinances and he shall, without prejudice to the powers of the Chancellor under section 10, possess all such powers as may be necessary in that behalf.

(5) The Vice-Chancellor shall have the power to convene or cause to be convened meetings of the Executive Council, the Court, the Academic Council and the Finance Committee:

Provided that he may delegate this power to any other officer of the University.

(6) Where any matter is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer or the authority or other body of the University empowered by or under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit and shall forthwith report the action taken by him to the Chancellor and also to the officer, authority, or other body who or which in the ordinary course would have dealt with the matter:

Provided that no such action shall be taken by the Vice-Chancellor without the previous approval of the Chancellor, if it would involve a deviation from the provisions of the Statutes or the Ordinances:

Provided further that if the officer, authority or other body is of opinion that such action ought not to have been taken it may refer the matter to the Chancellor who may either confirm the action taken by the Vice-Chancellor or annul the same or modify it in such manner as he thinks fit and thereupon, it shall cease to have affect or, as the case may be, take effect in the modified form, so however, that such annulment or modification shall be without prejudice to the validity of anything previously done by or under the order of the Vice-Chancellor:

Provided also that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section, shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon, the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(7) Nothing in sub-section (6) shall be deemed to empower the Vice-Chancellor to incur any expenditure not duly authorised and provided for in the budget.

(8) Where the exercise of the power by the Vice-Chancellor under sub-section (6) involves the appointment of an officer or a teacher of the University, such appointment shall terminate on appointment being made in the prescribed manner or on the expiration of a period of six months from the date of the order of the Vice-Chancellor, whichever is earlier.

(9) The Vice-Chancellor shall exercise such other powers as may be laid down by the Statutes and the Ordinances.

The Pro-Vice-Chancellor.

14. (*1*) This section applies only to the Universities of Lucknow, Allahabad and Gorakhpur and to any other University specified in that behalf by the State Government by notification in the Gazette.

(*2*) The Vice-Chancellor, if he considers necessary, may appoint a Pro-Vice-Chancellor from amongst the Professors of the University.

(*3*) The Pro-Vice-Chancellor appointed under sub-section (*2*) shall discharge his duties in addition to his duties as a Professor.

(*4*) The Pro-Vice-Chancellor shall hold office at the pleasure of the Vice-Chancellor.

(*5*) The Pro-Vice-Chancellor shall get an honorarium of rupees three hundred per month.

(*6*) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf from time to time and shall preside over the meetings of the University in the absence of the Vice-Chancellor and shall exercise such other powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

The Finance Officer.

15. (*1*) There shall be a Finance Officer for the University, who shall be appointed by the State Government by a notification published in the Official Gazette, and his remuneration and allowances shall be paid by the University.

(*2*) The Finance Officer shall be responsible for presenting the budget (annual estimates) and the statement of accounts to the Executive Council and also for drawing and disbursing funds on behalf of the University.

(*3*) He shall have the right to speak in and otherwise to take part in the proceedings of the Executive Council but shall not be entitled to vote.

(*4*) The Finance Officer shall have the duty—

(*a*) to ensure that no expenditure, not authorised in the budget, is incurred by the University (otherwise than by way of investments);

(*b*) to disallow any proposed expenditure which may contravene the provisions of this Act or the terms of any Statutes or Ordinances;

(*c*) to ensure that no other financial irregularity is committed and to take steps to set right any irregularities pointed out during audit;

(*d*) to ensure that the property and investments of the University are duly preserved and managed.

(*5*) The Finance Officer shall have access to and may require the production of such records and documents of the University and the furnishing of such information pertaining to its affairs as in his opinion may be necessary for the discharge of his duties.

(*6*) All contracts shall be entered into and signed by the Finance Officer on behalf of the University.

(7) Other powers and functions of the Finance Officer shall be such as may be prescribed.

The Registrar.

16. (1) The Registrar shall be a whole-time Officer of the University.

(2) The Registrar shall be appointed in accordance with, and his conditions of service shall be governed by, rules made under section 17.

(3) The Registrar shall have the power to authenticate records on behalf of the University.

(4) The Registrar shall be responsible for the due custody of the records and the common seal of the University. He shall be *ex officio* Secretary of the Executive Council, the Court, the Academic Council, the Admission Committee and the Examinations Committee and of every Selection Committee for appointment of teachers of the University, and shall be bound to place before these authorities all such information as may be necessary for the transaction of their business. He shall also perform such other duties as may be prescribed by the Statutes and Ordinances or required, from time to time, by the Executive Council or the Vice-Chancellor but he shall not, by virtue of this sub-section, be entitled to vote.

(5) Subject to the superintendence of the Examinations Committee, the Registrar shall conduct the examinations and make all other arrangements necessary therefor and be responsible for the due execution of all processes connected therewith.

(6) The Registrar shall not be offered nor shall he accept any remuneration for any work in the University save such as may be provided for by rules made under section 17.

Centralisation of services of Registrars, Deputy Registrars and Assistant Registrars.

17. (1) The State Government shall, by rules made by notification in the Official Gazette, provide for the creation of a separate service of Registrars, Deputy Registrars and Assistant Registrars, common to all the Universities and regulate the recruitment to and conditions of service of persons appointed to any such service.

(2) When any such service is created, the persons then serving on the posts of Registrars, Deputy Registrars and Assistant Registrars, if confirmed before May 14, 1973, shall be absorbed in the service finally, and other persons serving on the said posts may, if found suitable, be absorbed in such service either provisionally or finally, and if, in the later case, any person is not absorbed finally, then his services shall be deemed to have been terminated on payment of one month's salary as compensation.

(3) Where any person referred in sub-section (2) is absorbed in the service, the conditions of service applicable to him shall not be less advantageous than those applicable to him before his absorption, except that he shall be liable to transfer from one University to another.

(4) All rules made under this section shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of not less than thirty days extending in its one session or more than one successive sessions and shall unless some

later date is appointed, take effect from the date of their publication in the Gazette subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

Other officers.

18. The powers of officers of the University other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, the Finance Officer and the Registrar shall be such as may be laid down by the Statutes and the Ordinances.

CHAPTER V

AUTHORITIES OF THE UNIVERSITY

Authorities of the University.

19. The following shall be the authorities of the University—

(*a*) the Executive Council;

(*b*) the Court;

(*c*) the Academic Council;

(*d*) the Finance Committee;

(*e*) the Boards of Faculties;

(*f*) the Selection Committees for appointment of teachers of the University;

(*g*) the Admissions Committee;

(*h*) the Examinations Committee; and

(*i*) such other authorities as may be declared by the Statutes to be authorities of the University.

Constitution of the Executive Council.

20. (*1*) The Executive Council shall consist of—

(*a*) the Vice-Chancellor, who shall be the Chairman thereof;

(*b*) the Pro-Vice-Chancellor, if any;

(*c*) the Deans of two Faculties, by rotation in the manner prescribed;

(*d*) in the case of a University, other than the University of Agra, mentioned in or notified under sub-section (*1*) of section 37—

(*i*) one Professor [other than the Pro-Vice-Chancellor or a Dean referred to in clause (*c*) above], one Reader and one Lecturer of the University, to be selected in the manner prescribed; and

(*ii*) three Principals and two teachers of affiliated colleges, to be selected in the manner prescribed,

and in the case of the University of Agra,—

(*i*) one teacher of that University to be selected in the manner prescribed, and

(*ii*) three Principals and four teachers of affiliated colleges to be selected in the manner prescribed; and

(*e*) in the case of a University mentioned in or notified under sub-section (*1*) of section 38—

(*i*) two Professors [other than the Pro-Vice-Chancellor or a Dean referred to in clause (c) above], two Readers and two Lecturers of the University, to be selected in the manner prescribed;

(*ii*) one Principal of an associated college to be selected in the manner prescribed;

(*f*) four persons to be elected by members of the Court from among such of them as are not enrolled as students of or in the service of the University or an Institute or of a constituent college or an affiliated or associated collage or a hall or hostel;

(*g*) four persons of academic eminence to be nominated by the Chancellor.

(*2*) All the members of the Executive Council, other than *ex officio* members, shall hold office for a term of three years.

(*3*) No person shall be a member of the Executive Council under clause (*f*) or clause (*g*) of sub-section (*1*) for more than two consecutive terms.

(*4*) Notwithstanding anything in sub-section (*1*), no person shall be elected or nominated as a member of the Executive Council unless he is a graduate.

(*5*) A person shall be disqualified for being chosen as, and for being, a member of the Executive Council if he or his relative accepts any remuneration for any work in or for the University or any contract for the supply of goods to or for the execution of any work for the University:

Provided that nothing in this sub-section shall apply to the acceptance of any remuneration by a teacher as such or for any duties performed in connection with an examination conducted by the University or for any duties as Superintendent or Warden of a training unit or any hall or hostel or proctor or tutor or for any duties of a similar nature in relation to the University.

Explanation—In this section "relative" means the relations defined in section 6 of the Companies Act, 1956 and includes the wife's (or husband's) brother, wife's (or husband's) father, wife's (or husband's) sister, brother's son and brother's daughter. 1 of 1956

Powers and duties of Executive Council.

21. (*1*) The Executive Council shall be the principal executive body of the University, and subject to the provisions of this Act, have the following powers, namely:—

(*i*) to hold and control the property and funds of the University;

(*ii*) to acquire or transfer any movable or immovable property on behalf of the University;

(*iii*) to make, amend or repeal Statutes and Ordinances;

(*iv*) to administer any funds placed at the disposal of the University for specific purposes;

(*v*) to prepare the budget of the University;

(*vi*) to award scholarships, fellowships, bursaries, medals and other rewards in accordance with the Statutes and Ordinances;

(*vii*) to appoint officers, teachers and other employees of the University, and to define their duties and the conditions of their service, and to provide for the filling of temporary casual vacancies in their posts;

(*viii*) to direct the holding of examinations and publication of results and to fix the fees, emoluments and travelling and other allowances of the examiners;

(*ix*) to admit any college to the privileges of affiliation or recognition or enlarge the privileges of any college already affiliated, recognised or withdraw or curtail any such privilege;

(*x*) to arrange for and direct the inspection of Institutes, affiliated, associated or constituent colleges, halls, hostels and other places of residence of students;

(*xi*) to direct the form and use of the common seal of the University;

(*xii*) to regulate and enforce discipline among members of the teaching, administrative and other staff of the University in accordance with the Statutes and the Ordinances;

(*xiii*) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University, and for that purpose, to appoint such agents as it may think fit;

(*xiv*) to invest any money belonging to the University (including any income from trust and endowed property in such stocks, funds, shares or securities as it shall from time to time think fit or in the purchase of immovable property in India, with the like power of varying such investment from time to time;

(*xv*) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(*xvi*) to enter into, vary, carry out, and cancel contracts on behalf of the University;

(*xvii*) to regulate and determine all other matters concerning the University as well as Institutes, constituent, affiliated and associated colleges in accordance with this Act, the Statutes and the Ordinances.

(2) No immovable property of the University shall, except with the prior sanction of the State Government, be transferred (except by way of letting from month to month in the ordinary course of management) by the Executive Council by way of mortgage, sale, exchange, gift or otherwise, nor shall any money be borrowed or advance taken on the security thereof except as a condition of receipt of any grant-in-aid of the University from the State Government, or, with the previous sanction of the State Government, from any other person.

(3) No expenditure in respect of which approval of the State Government is required by this Act or the Statutes or Ordinances shall be incurred except with such approval previously obtained, and no post shall be created either in the University, or in any Institute or constituent college maintained by the University except with the prior approval of the State Government.

(4) The pay and other allowances to various categories of the employees of the University or of any Institute or constituent college or affiliated or associated college shall be such as may be approved by the State Government.

(5) The Executive Council shall not exceed the limits of recurring and non-recurring expenditure to be incurred in each financial year fixed by the Finance Committee.

(6) The Executive Council shall not take any action in regard to the number, qualifications and emoluments of teachers, and the fees payable to examiners, except after considering the advice of the Academic Council and the Boards of Faculties concerned.

(7) The Executive Council shall give due consideration to every resolution of the Court, and take such action thereon as it shall deem fit and report to the Court, the action taken or, as the case may be, the reasons for non-acceptance of the resolution.

(8) The Executive Council may, subject to any conditions laid down in the Statutes, delegate such of its powers as it deems fit to an officer or any other authority of the University, or to a Committee appointed by it.

The Court.

22. (1) The Court shall consist of the following members, namely:—

Class I.—Ex-officio Members

(*i*) the Chancellor;

(*ii*) the members of the Executive Council;

(*iii*) the Finance Officer;

Class II.—Life Members

(*iv*) in the case of an existing University, every person who was a life member of the Court or Senate immediately before the commencement of this Act;

Class III.—Representatives of Teachers, etc.

(*v*) all heads of departments of the University and of constituent colleges maintained by it;

(*vi*) the Deans of Faculties of Medicine and Engineering, if they are not members of the Executive Council;

(*vii*) two representatives of provosts and wardens of hostels and halls of the University and of its constituent colleges and Institutes to be selected by rotation in the manner prescribed;

(*viii*) all principals of constituent colleges maintained by the State Government;

(*ix*) fifteen teachers to be selected in the manner prescribed;

(*x*) two representatives of the managements of the affiliated or associated colleges to be selected by rotation in the manner prescribed;

Class IV.—Registered Graduates

(*xi*) fifteen representatives of registered graduates to be elected, by registered graduates of such standing as may be prescribed from amongst such of them as are not in the service of the University or of an Institute or of a constituent college or in the service or connected with the management of affiliated college, associated college, hall or hostel;

Class V.—Representation of Students

(*xii*) one student from each of the Faculties, who having secured the highest marks in that Faculty at the preceding degree examination of any University is pursuing a course of study for a post-graduate degree or a law or a medical or engineering degree in the University (including an affiliated or associated college);

Class VI.—Nominees of Chancellor

(*xiii*) not more than ten nominees of the Chancellor of whom at least five shall be nominated to represent fine arts, culture, industry, commerce, agriculture, horticulture, learned bodies and learned profession of the region;

Class VII.—Representatives of the State Legislature

(*xiv*) two members of the Legislative Council to be elected by it;

(*xv*) five members of the Legislative Assembly to be elected by it.

(2) The term of office of members of each class, except Classes I, II and V, mentioned in sub-section (*1*) shall be three years and the term of the members of the said Class V shall be one year.

Powers and duties of the Court.

23. The Court shall be an advisory body and, subject to the provisions of this Act, it shall have the following powers and functions, namely:—

(*a*) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(*b*) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report thereon;

(*c*) to advise the Chancellor in respect of any matter which may be referred to it for advice; and

(*d*) to perform such other duties and exercise such other functions as may be assigned to it by this Act or the Statutes or by the Chancellor.

Meeting of the Court.

24. (*1*) The Court shall meet once a year on a date to be fixed by the Vice-Chancellor and such meeting shall be called the annual meeting of the Court.

(*2*) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than one-fourth of the total membership of the Court, convene a special meeting of the Court.

Academic Council.

25. (*1*) The Academic Council shall be the principal academic body of the University and subject to the provisions of this Act, the Statutes and the Ordinances—

(*a*) shall have the control and general regulation of, and be responsible for the maintenance of standard of instruction, education and research carried on or imparted in the University;

(*b*) may advise the Executive Council on all academic matters including matters relating to examinations conducted by the University; and

(c) shall have such powers and duties as may be conferred or imposed upon it by the Statutes.

(*2*) The Academic Council shall consist of the following members, namely:—

(*i*) the Vice-Chancellor;

(*ii*) the Deans of all Faculties, if any;

(*iii*) all Heads of Departments of the University and where there is no department in a subject in the University, the senior-most teacher from affiliated colleges, representing that subject on the Faculty concerned;

(*iv*) all professors of the University who are not Heads of Departments;

(*v*) the Principals of constituent colleges and the Directors of Institutes, if any;

(*vi*) two professors, from each constituent college, if any, by rotation in order of seniority to be determined in the manner prescribed;

(*vii*) three Principals of affiliated or associated colleges to be selected by rotation in the manner prescribed;

(*viii*) fifteen teachers to be selected in the manner prescribed;

(*ix*) the Dean of Student Welfare;

(*x*) the Librarian of the University; and

(*xi*) five persons of academic eminence to be co-opted in the manner prescribed.

(3) Subject to the provisions of section 60, the term of office of members other than *ex officio* members shall be such as may be prescribed.

The Finance Committee.

26. (1) The Finance Committee shall consist of—

(a) the Vice-Chancellor;

(b) the Pro-Vice-Chancellor, if any;

(c) the Registrar;

(d) one person, not being a member of the Executive Council or the Academic Council or a person in the service of the University or an Institute or of a constituent college, or a member of the managing committee of any affiliated or associated college, or a person in the service of such college, to be elected by the Executive Council; and

(e) the Finance Officer who shall also be the Secretary of the Committee.

(2) The Finance Committee shall advise the Executive Council on matters relating to the administration of property and funds of the University. It shall, having regard to the income and resources of the University, fix limits for the total recurring and non-recurring expenditure for the ensuing financial year and may, for any special reasons, revise during the financial year the limits of expenditure so fixed and the limits so fixed shall be binding on the Executive Council.

(3) The Finance Committee shall have such other powers and duties as may be conferred or imposed on it by this Act or the Statutes.

The Faculties.

27. (1) The University shall have such Faculties as may be prescribed.

(2) Each Faculty shall comprise such departments of teaching as may be prescribed and each department shall have such subjects of study as may be assigned to it by the Ordinance.

(3) There shall be a Board of each Faculty, the constitution (including the term of office of its members) and powers and duties of which shall be such as may be prescribed.

(4) There shall be a Dean of each Faculty who shall be chosen from amongst the Professors by rotation in order of seniority and shall hold office for three years:

Provided that in the case of a medical or engineering college, the Principal of such college shall be the *ex officio* Dean of medical or engineering faculty:

Provided further that where there is more than one such college, the Deanship of each such Faculty shall rotate amongst the Principals of such colleges:

Provided also that in the case of a Faculty where there is no Professor, the office of the Dean shall be held in rotation by the teachers in that Faculty according to seniority.

(5) The Dean shall be the Chairman of the Board of Faculty and be responsible for—

(a) the organization and conduct of the teaching and research work of departments comprised in the Faculty; and

(*b*) the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

(*6*) (*a*) In each Department of teaching in the University, there shall be a Head of that Department who shall hold office for a term of three years.

(*b*) The post of the Head of Department shall rotate amongst the Professors according to seniority:

Provided that in the case of Departments—

(*i*) where there is only one Professor, the Headship shall rotate between the Professor and Readers of at least five years standing according to seniority;

(*ii*) where there is no Professor, the Headship shall rotate amongst Readers of at least five years standing according to seniority; and

(*iii*) where there is no Professor but there is only one Reader, the Headship shall rotate amongst the Reader and the Lecturers of at least ten years standing according to seniority.

(*7*) The Head of Department shall be responsible to the Dean for the organization of teaching in the department and have such other powers and duties as may be provided in the Ordinances.

(*8*) There shall be constituted in accordance with the provisions of the Ordinances, Boards of Studies in respect of different subjects of study and more than one subject may be assigned to one Board of Studies.

Admissions Committee.

28. (*1*) There shall be an Admissions Committee of the University, the constitution of which shall be such as may be provided for in the Ordinances.

(*2*) The Admissions Committee shall have the power to appoint such number of sub-committees as it thinks fit.

(*3*) Subject to the superintendence of the Academic Council and to the provisions of sub-section (*5*), the Admissions Committee shall lay down the principles or norms governing the policy of admission to various courses of studies in the University and may also nominate a person or a sub-committee as the admitting authority in respect of any course of study in an Institute or a constituent college maintained by the University.

(*4*) Subject to the provisions of sub-section (*5*), the Committee may issue any direction as respects criteria or methods of admissions to constituent colleges maintained by the State Government and to affiliated or associated colleges, and such directions shall be binding on such colleges.

(*5*) Admissions to medical and engineering colleges shall be regulated by such orders as the State Government may by notification in the Gazette, make in that behalf.

(*6*) No student admitted to any college in contravention of the provisions of this section shall be permitted to take up any examination conducted by the University, and the Vice-Chancellor, shall have the power to cancel any admission made in such contravention.

Examinations Committee.

29. (1) There shall be an Examinations Committee in the University the constitution of which shall be such as may be provided for in the Ordinances.

(2) Except as provided in sub-section (2) of section 42 the Committee shall supervise generally all examinations of the University, including moderation and tabulation, and perform the following other functions, namely:—

(a) to appoint examiners and moderators and if necessary, to remove them;

(b) to review from time to time the results of University examinations and submission of reports thereon to the Academic Council;

(c) to make recommendations to the Academic Council for the improvement of the examination system;

(d) to scrutinise the list of examiners proposed by the Board of Studies, finalise the same and declare the result of the University.

(3) The Examinations Committee may appoint such number of sub-committees as it thinks fit, and in particular, may delegate to any one or more persons or sub-committees the power to deal with and decide cases relating to the use of unfair means by the examinees.

Other authorities.

30. The constitution, powers and duties of other authorities of the University shall be such as may be prescribed.

CHAPTER VI

APPOINTMENT AND CONDITIONS OF SERVICE OF TEACHERS AND OFFICERS

Appointment of teachers.

31. (1) Subject to the provisions of this Act, the teachers of the University and the teachers of an affiliated or associated college (other than a college maintained exclusively by the State Government or by a local authority), shall be appointed by the Executive Council or the Management of the affiliated or associated college, as the case may be, on the recommendation of a Selection Committee in the manner hereinafter provided.

(2) The appointment of every such teacher, Director and Principal not being an appointment under sub-section (3), shall in the first instance be on probation for one year which may be extended for a period not exceeding one year:

Provided that no order of termination of service during or on the expiry of the period of probation shall be passed—

(a) in the case of a teacher of the University, except by order of the Executive Council made after considering the report of the Vice-Chancellor and (unless the teacher is himself the Head of the Department), the Head of the Department concerned;

(b) in the case of Principal of an affiliated or associated college, except by order of the Management; and

(c) in the case of any other teacher of on affiliated or associated college, except by order of the Management made after considering the report of the Principal and (unless such teacher is the senior-most teacher of the subject), also of the senior-most teacher of the subject.

(3) (*a*) In the case of teacher of the University other than a Professor, the Vice-Chancellor in consultation with the Dean of the Faculty and the Head of the Department concerned and an expert nominated by the Chancellor in that behalf and in the case of a teacher of an affiliated or associated college, the Management in consultation with an expert nominated by the Vice-Chancellor in that behalf may make officiating appointment in a vacancy caused by the grant of leave to an incumbent for a period not exceeding ten months without reference to the Selection Committee, but shall not fill any other vacancy or post likely to last for more than six months without such reference.

(*b*) Where before or after the commencement of this Act, any teacher is appointed (after reference to a Selection Committee) to a temporary post likely to last for more than six months and such post is subsequently converted into a permanent post, the Executive Council or the Management, as the case may be, may, without fresh reference to the Selection Committee, appoint such teacher in a substantive capacity to that post.

(4) (*a*) The Selection Committee for the appointment of a teacher of the University (other than the Director of an Institute and the Principal of a constituent college), shall consist of—

(*i*) the Vice-Chancellor, who shall be the Chairman thereof;

(*ii*) the Head of the Department concerned:

Provided that the Head of the Department shall not sit in the Selection Committee, when he is himself a candidate for appointment or when the post concerned is of a higher rank than his substantive post and in that event his office shall be filled by a Professor in the Department and if there is no Professor by the Dean of the Faculty;

(*iii*) in the case of a Professor or Reader, three experts, and in any other case, two experts to be nominated by the Chancellor;

(*iv*) in the case of appointment of teachers in a department of a constituent medical college upgraded under any scheme sanctioned by the Central Government, one nominee each of the Central Government and the State Government;

(*v*) in the case of appointment of teachers of an Institute or constituent college, the Director of the Institute or the Principal of the constituent college, as the case may be.

(*b*) The Selection Committee for the appointment of the Director of an Institute or the Principal of a constituent college shall consist of—

(*i*) the Vice-Chancellor, who shall be the Chairman thereof;

(*ii*) two experts to be nominated by the Chancellor.

(c) The Selection Committee for the appointment of the Principal of an affiliated or an associated college (other than a college maintained exclusively by the State Government or by a local authority) shall consist of—

(*i*) the Head of the Management, or a member of the Management nominated by him who shall be the Chairman;

(*ii*) one of the Deans of those Faculties, which comprise subjects taught in the college, to be nominated by the Vice-Chancellor;

(*iii*) one member of the Management nominated by the Management; and

(*iv*) two experts to be nominated by the Vice-Chancellor:

Provided that in the case of appointment of the Principal of an affiliated college, the Dean of Faculty shall not sit in the Selection Committee, if he is himself a teacher of that college:

Provided further that in the case of colleges established and administered by a minority referred to in clause (1) of article 30 of the Constitution of India, the experts shall be nominated by the Management from out of a panel of five experts suggested by the Management and approved by the Vice-Chancellor.

(*d*) The Selection Committee for the appointment of other teachers of an affiliated or associated college (other than a college maintained exclusively by the State Government or by a local authority) shall consist of—

(*i*) the Head of the Management or a member of the Management nominated by him, who shall be the Chairman;

(*ii*) the Principal of the college and another teacher of the college nominated by the Principal;

(*iii*) two experts to be nominated by the Vice-Chancellor:

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of article 30 of the Constitution of India, the experts shall be nominated by the Management from out of a panel of five experts suggested by the Management and approved by the Vice-Chancellor.

(*5*) (*a*) A panel of six or more experts in each subject of study shall be drawn up by the Chancellor after consulting the corresponding faculty in Indian Universities or such academic bodies or research institutions in or outside Uttar Pradesh as the Chancellor may consider necessary. Every expert to be nominated by the Chancellor under sub-section (*4*) shall be a person whose name is borne on such panel.

(*b*) The Board of each Faculty shall maintain a standing panel of sixteen or more experts in each subject of study, and every expert to be nominated by the Vice-Chancellor under sub-section (*4*) shall be a person whose name is borne on the panel.

(*c*) A panel referred to in clause (*a*) or clause (*b*) shall be revised after every three years.

Explanation I.—For the purposes of this sub-section, a branch of subject in which a separate course of study is prescribed for a post-graduate degree or for Part I or Part II thereof shall be deemed to be a separate subject of study.

Explanation II.—Where the post of teacher to be selected is common to more than one subject of study, the expert may belong to either of such subjects of study.

(*6*) No recommendation made by a Selection Committee referred to in sub-section (*4*), shall be considered to be valid unless one of the experts had agreed to such selection.

(7) Subject to the provisions of sub-section (6), the majority of the total membership of any Selection Committee shall form the quorum of such Committee.

(8) (a) In the case of appointment of a teacher of the University, if the Executive Council does not agree with the recomendation made by the Selection Committee, the Executive Council shall refer the matter to the Chancellor along with the reasons of such disagreement, and his decision shall be final.

(b) In the case of appointment of a teacher of an affiliated or associated college, if the Management does not agree with the recommendation made by the Selection Committee, the Management shall refer the matter to the Vice-Chancellor along with the reasons of such disagreement, and his decision shall be final:

Provided that in the case of appointment of a teacher of an affiliated or associated college, established and administered by a minority referred to in clause (1) of article 30 of the Constitution of India, if the Management does not agree with the recommendation made by a Selection Committee, the Management shall have the right to appoint another Selection Committee and the decision of that Committee shall be final.

(9) The disqualification of members of Selection Committee for appointment of teachers of the University and the Principals and other teachers of such affiliated or associated colleges on the ground of interest for participating in the deliberations of such Committees and other matters relating to appointment of such Principals and teachers shall be prescribed by the Statutes.

(10) No selection for any appointment under this section shall be made except after advertisement of the vacancy in at least three issues of two newspapers having adequate circulation in Uttar Pradesh.

(11) In the case of colleges established and administered by a minority referred to in clause (1) of article 30 of the Constitution of India, the Management of the college may appoint a teacher only after the Vice-Chancellor is satisfied that—

(i) the candidate possesses the minimum qualifications and experience prescribed for the post, and

(ii) the procedure laid down in the Act and the Statutes for the selection of the teachers has been followed.

Contract appointment of teachers of the University.

32. (1) Except as otherwise provided by Statutes, no salaried officer and teacher of the University shall be appointed except under a written contract which shall be consistent with the provisions of this Act, the Statutes and the Ordinances.

(2) The original contract shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) In the case of an officer or teacher employed before the commencement of this Act, all contracts in force, immediately before such commencement, shall, to the extent of any inconsistency with the provisions of this Act or the Statutes or the Ordinances, be deemed to have been modified by the said provisions.

(4) Notwithstanding anything contained in any contract or other instrument, teachers of any constituent medical college shal lnot have the right of private practice, except to such extent, if any, and subject

to such conditions and restrictions as the State Government may by general or special order specify.

Pension, Provident fund, etc.

33. The University and every affiliated or associated college shall constitute, for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be prescribed, such pension, insurance or provident fund, as it may deem fit including a fund from which such teachers or their heirs, as the case may be, shall be paid pension or gratuity in the event of their incurring disability, wound or death in connection with the discharge of their duties as Superintendent of a Centre or invigilator as defined in Uttar Pradesh Universities (Provisions Regarding Conduct of Examinations) Act, 1965.

Limits of additional remunerative work permissible to teachers.

34. (*1*) The conditions regarding payment of remuneration to the teachers of the University or of an affiliated or an associated college for any duties performed in connection with any examination conducted by an Indian University or any body other than Public Service Commission and the holding of the "remunerative offices" by them shall be such as may be prescribed.

(*2*) No teacher of the University or of an affiliated or associated college shall at any time, hold more than one remunerative office carrying duties other than teaching or duties connected with any examination.

Explanation.—The words "remunerative offices" include the offices of Warden or Superintendent of a Hall or Hostel, Proctor, Games Superintendent, Librarian, and any office in the National Cadet Corps, National Sports Organisation, National Social Service Scheme and University Employment Exchange.

Conditions of service of teachers of affiliated or associated colleges other than those maintained by Government or local authority.

35. (*1*) Every teacher in an affiliated or associated college (other than a college maintained exclusively by the State Government or a local authority) shall be appointed under a written contract which shall contain such terms and conditions as may be prescribed. The contract shall be lodged with the University and a copy thereof shall be given to the teacher concerned, and another copy thereof shall be retained by the college concerned.

(*2*) Every decision of the Management of such college to dismiss or remove a teacher or to reduce him in rank or to punish him in any other manner shall, before it is communicated to him, be reported to the Vice-Chancellor and shall not take effect unless it has been approved by the Vice-Chancellor:

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of article 30 of the Constitution of India, the decision of the Management dismissing, removing or reducing in rank or punishing in any other manner any teacher shall not require the approval of the Vice-Chancellor, but shall be reported to him and unless he is satisfied that the procedure prescribed in this behalf has been followed, the decision shall not be given effect to.

(*3*) The provisions of sub-section (*2*) shall also apply to any decision to terminate the services of a teacher, whether by way of punishment or otherwise, but shall not apply to any termination of service on the expiry of the period for which the teacher was appointed:

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of article 30 of the Constitution of

India, the decision of the Management terminating the service of any teacher shall not require the approval of the Vice-Chancellor, but shall be reported to him and unless he is satisfied that the procedure prescribed in this behalf has been followed, the decision shall not be given effect to.

(4) Nothing in sub-section (2) shall be deemed to apply to an order of suspension pending inquiry, but any such order may be stayed, revoked or modified by the Vice-Chancellor:

Provided that in the case of colleges established and administered by a minority referred to in clause (i) of article 30 of the Constitution of India, such order may be stayed, revoked or modified by the Vice-Chancellor only if the conditions prescribed for such suspension are not satisfied.

(5) Other conditions of service of teachers of such colleges shall be such as may be prescribed.

Tribunal of Arbitration.

36. (1) Any dispute arising out of a contract of appointment referred to in section 32 or section 35 shall be referred to a Tribunal of Arbitration which shall consist of the following members, namely:—

(a) in the case of an officer or teacher of the University, one member nominated by the Executive Council, one member nominated by the officer or teacher concerned, and one member (who shall act as convener) nominated by the Chancellor;

(b) in the case of a teacher of an affiliated or associated college, one member nominated by the Management of the college, one member nominated by the teacher concerned, and one member (who shall act as convener) nominated by the Vice-Chancellor:

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of article 30 of the Constitution of India, the Convenor shall be selected by the nominees of the Management and the teacher concerned out of a panel of five persons suggsted by the Management and approved by the Vice-Chancellor:

Provided further that in the event of their failure to appoint the Convenor within the time prescribed, the Vice-Chancellor shall nominate a Convenor out of the panel.

(2) If for any reason, a vacancy occurs in the office of a member of the Tribunal, the appropriate person or body concerned shall nominate another person in accordance with provisions of sub-section (1) to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(3) The decision of the Tribunal shall be final and binding on the parties and shall not be questioned in any court.

(4) The Tribunal of Arbitration shall have the power—

(i) to regulate its own procedure;

(ii) to order re-instatement of the officer or teacher concerned; and

(iii) to award salary to the officer or teacher concerned, after deducting therefrom such income which such officer or teacher might have otherwise derived during his suspension, removal, dismissal or termination from service.

(5) Nothing contained in any law for the time being in force relating to arbitration shall apply to an arbitration under this section.

(6) No suit or proceedings shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration:

Provided that every decision of the Tribunal referred to in sub-section (3) shall be executable by the lowest court having territorial jurisdiction, as if it were a decree of that court.

CHAPTER VII

AFFILIATION AND RECOGNITION

Affiliated Colleges.

37. (1) This section shall apply to the Universities of Agra, Gorakhpur, Kanpur and Meerut and such other Universities (not being the Universities of Lucknow and Allahabad) as the State Government may by notification in the Gazette, specify.

(2) The Executive Council may, with the previous sanction of the Chancellor, admit any college which fulfils such conditions of affiliation, as may be prescribed, to the privileges of affiliation or enlarge the privileges of any college already affiliated or subject to the provisions of sub-section (8), withdraw or curtail any such privilege:

Provided that previous sanction of the Chancellor shall not be required for the grant of an application of an affiliated college for permission to start instruction in a subject, being a subject in which instruction is not already given in that college, for a bachelor's degree in respect of which the college is already affiliated.

(3) It shall be lawful for an affiliated college to make arrangement with any other affiliated college situated in the same local area, or with the University, for co-operation in the work of teaching or research.

(4) Except as provided by this Act, the management of an affiliated college shall be free to manage and control the affairs of the college and be responsible for its maintenance and upkeep, and its Principal shall be responsible for the discipline of its students and for the superintendence and control over its staff.

(5) Every affiliated college shall furnish such reports, returns and other particulars as the Executive Council or the Vice-Chancellor may call for.

(6) The Executive Council shall cause every affiliated college to be inspected from time to time at intervals not exceeding five years by one or more persons authorised by it in that behalf, and a report of the inspection shall be made to the Executive Council.

(7) The Executive Council may direct an affiliated college so inspected to take such action as may appear to it to be necessary within such period as may be specified.

(8) The privileges of affiliation of a college which fails to comply with any direction of the Executive Council under sub-section (7) or to fulfil the conditions of affiliation may, after obtaining a report from the Management of the college and with the previous sanction of the Chancellor, be withdrawn or curtailed by the Executive Council in accordance with the provisions of the Statutes.

Associated colleges.

38. (1) This section shall apply to the Universities of Lucknow and Allahabad and such other Universities (not being the Universities of Agra, Gorakhpur, Kanpur or Meerut or the Sampurnanand Sanskrit

Vishvavidyalaya) as the State Government may, by notification in the Gazette, specify.

(2) Associated colleges shall be such as may be named by the Statutes.

(3) It shall be lawful for an associated college to make arrangements with any other associated college or colleges or with the University for co-operation in the work of teaching.

(4) The conditions of recognition of an associated college shall be prescribed by the Statutes or imposed by the Executive Council, but no associated college shall, except with the previous approval of the Chancellor, be authorised to impart instruction for post-graduate degrees:

Provided that if an associated college is refused recognition for imparting instruction for post-graduate degrees, such college may, with the approval of the Chancellor, be granted affiliation by any University referred to in section 37, anything in section 5 notwithstanding, and thereupon, such college shall cease to be an associated college.

(5) Except as provided by this Act, the Management of an associated college shall be free to manage and control the affairs of the college and be responsible for its maintenance and upkeep. The Principal of every such college shall be responsible for the discipline of its students and for the superintendence and control over its staff.

(6) The Executive Council shall cause every associated college to be inspected from time to time at intervals not exceeding three years by one or more persons authorised by it in this behalf and a report of the inspection shall be made to the Executive Council.

(7) The recognition of an associated college may, with the previous sanction of the Chancellor, be withdrawn by the Executive Council, if it is satisfied after considering any explanation furnished by the management, that it has ceased to fulfil the conditions of its recognition or that it persists in making default in the performance of its duties under this Act or in the removal of any defect in its work pointed out by the Executive Council.

(8) Notwithstanding anything in this section or in section 5, a college situated within the area of any University to which this section applies, may with the consent of that University be admitted to the privileges of affiliation by any University to which section 37 applies.

Disqualification for membership of management.

39. A person shall be disqualified for being chosen as, and for being, a member of the Management of an affiliated or associated college (other than a college maintained exclusively by the State Government or by local authority), if he or his relative accepts any remuneration for any work in or for such college or any contract for the supply of goods to or for the execution of any work for such college:

Provided that nothing in this section shall apply to the acceptance of any remuneration by a teacher as such or for any duties performed in connection with an examination conducted by the college or for any duties as Superintendent or Warden of a training unit or of a Hall or Hostel of the college or as Proctor or tutor or for any duties of a similar nature in relation to the college.

Explanation.—The term "relative" shall have the meaning assigned to it in the *Explanation* to section 20.

Inspection, etc., of affiliated and associated colleges.

40. (*1*) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of any affiliated or associated college, including the buildings, laboratories and equipments thereof and also of the examinations, teaching and other work conducted or done by it, or cause an inquiry to be made in respect of any matter connected with the administration and finances of such college.

(*2*) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (*1*), it shall inform the Management of the same and a representative, appointed by the Management and where the Management fails to appoint a representative, the Principal of the college may be present at such inspection or inquiry and shall have the right to be heard on behalf of the Management but no legal practitioner shall appear, plead or act on behalf of the college at such inspection or inquiry.

(*3*) The person or persons appointed to inspect or inquire under sub-section (*1*) shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling production of documents and material objects, and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 and any proceeding before him or them shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

(*4*) The State Government may communicate to the Management, the result of such inspection or inquiry and may issue directions as to the action to be taken and the Management shall forthwith comply with such directions.

(*5*) The State Government shall inform the Vice-Chancellor about any communication made by it to the Management under sub-section (*4*).

(*6*) The State Government may, at any time, call for any information from the Management or Principal of an affiliated or associated college in connection with such inspection or inquiry.

Constituent colleges.

41. (*1*) Constituent colleges shall be such as may be named by the Statutes.

(*2*) The Principal of a constituent college shall be responsible for the discipline of the students enrolled in the colleges and shall have general control over the ministerial and inferior staff allotted to the college. He shall exercise such other powers as may be prescribed by the Statutes.

Autonomous college.

42. (*1*) The University may grant in the manner prescribed, to an affiliated or associated college which satisfies the conditions prescribed in that behalf, the privileges of varying, for the students receiving instruction in such college, the courses of study prescribed by the University, and holding examination in the courses so varied.

(*2*) The extent to which the courses may be varied and the manner of holding the examinations conducted by such college shall be determined in each case by the University.

(*3*) Such a college shall be declared in the manner prescribed as an autonomous college.

Working Men's Colleges.

43. (*1*) The University may, under such conditions as may be prescribed, recognize an affiliated or associated college as a "Working Men's College" for the purpose of providing courses for degrees to persons,

otherwise eligible for admission to such courses, who may be unable to be enrolled as whole-time students by reason of being engaged in business, trade, agriculture or industry or employed in any other form of service.

(2) The courses for such students shall extend over a period which shall not be less than one and a half times the duration prescribed for such courses for other students.

(3) Each such course shall be organized separately.

Institutes.

44. The University may establish one or more Institutes to organize and conduct teaching and research in any subject.

CHAPTER VIII

ADMISSIONS AND EXAMINATIONS

Admission of students.

45. (1) No student shall be eligible for admission to the course of study for a degree unless—

(a) he has passed—

(i) the Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh, or of any University or Board incorporated by any law for the time being in force; or

(ii) any examination, or any degree conferred by any other University, being an examination or degree recognised by the University, as equivalent to the Intermediate Examination or to a degree of the University; and

(b) he possesses such further qualifications, if any, as may be specified in the Ordinances:

Provided that the University may prescribe by Ordinances any lower qualifications for admission to a degree in Fine Arts.

(2) The conditions under which students may be admitted to the diploma courses of the University shall be prescribed by the Ordinances.

(3) The University shall have the power to recognize (for the purposes of admission to a course of study for a degree), as equivalent to its own degree, any degree conferred by any other University or, as equivalent to the Intermediate Examination of any Indian University, any examination conducted by any other authority.

(4) Any student whose work or conduct is unsatisfactory may be removed from the University or an Institute or a constituent college or an affiliated or associated college in accordance with the provisions of the Ordinances.

Bar of charging any donation, etc., for admission to a college.

46. No person connected with the management of an affiliated or associated college and no Principal or other teacher or other employee thereof shall directly or indirectly take or receive or cause to be taken or received any contribution, donation, fees or any other payment of any sort, either in cash or in kind, except the fees at the rates laid down in the Ordinances, from or on behalf of any pupil as a condition for granting him admission to such college.

Halls, Hostels and delegacy of the University.

47. (1) This section shall apply to the Universities of Lucknow, Allahabad, Gorakhpur and such other University as the State Government may by notification specify.

(2) The halls and hostels of the University shall be—

(a) those maintained by the University and named in the Statutes;

(b) those recognised by the Executive Council on such general or special conditions as may be provided by the Ordinances.

(3) The warden and other staff of the halls and hostels shall be appointed in the manner provided by the Ordinances.

(4) The Executive Council shall have power to suspend or withdraw the recognition of a hall or hostel which is not maintained in accordance with the conditions referred to in clause (b) of sub-section (2):

Provided that no such action shall be taken without giving to the management of such hall or hostel an opportunity of making a representation against the proposed action.

(5) There shall be a Delegacy to supervise the arrangements relating to the residence, health and welfare of students of the University not residing in or under the care of any constituent college or hall. The constitution, power and duties of the Delegacy shall be prescribed by the Statutes.

Examinations.

48. Subject to the provisions of this Act and the Statutes, the Examinations Committee shall direct the arrangements for the conduct of examinations.

CHAPTER IX

STATUTES, ORDINANCES AND REGULATIONS

Statutes.

49. Subject to the provisions of this Act, the Statutes may provide for any matter relating to the University and shall, in particular, provide for—

(a) the constitution, powers and duties of the authorities of the University;

(b) the election, appointment and term of office of the members of the authorities of the University, including the continuance in office of the first members, and the filling in of vacancies in their membership, and all other matters relating to these authorities for which it may be necessary or desirable to provide;

(c) the powers and duties of the officers of the University;

(d) the classification and manner of appointment of teachers of the University, the maintenance by them of their annual academic progress report, and the rules of conduct to be observed by them and other conditions of their service;

(e) the recruitment and the conditions of service of persons appointed to other posts under the University;

(f) the constitution of a pension or provident fund or the establishment of an insurance scheme for the benefit of officers, teachers and other employees of the University;

(g) the institution of degrees and diplomas;

(h) the conferment of honorary degrees;

(i) the withdrawal of degrees and diplomas, certificates and other academic distinctions;

(j) the establishment, amalgamation, abolition and reorganisation of Faculties;

(*k*) the establishment of departments of teaching in the Faculties;

(*l*) the establishment, abolition and reorganisation of halls and hostels maintained by the University;

(*m*) the conditions under which colleges and other institutions may be admitted to the privileges of affiliation or recognition by the University and the conditions under which any such privilege may be withdrawn;

(*n*) the recognition of the Management of any affiliated or associated college;

(o) the classification and manner of appointment and the conditions of service of teachers of affiliated or associated colleges as the case may be, including the rules of conduct to be observed by them;

(*p*) the institution of scholarships, fellowships, studentships, medals and prizes;

(q) the qualifications, conditions and manner of registration of graduates and the maintenance of a register of registered graduates;

(*r*) the holding of convocation, if any; and

(*s*) all other matters which by this Act are to be or may be provided for by the Statutes.

Statutes how made.

50. (*1*) The First Statutes of the University shall be made by the State Government by notification in the Gazette and in the case of any existing University, for so long as the First Statutes are not so made, the Statutes as in force immediately before the commencement of this Act, in so far as they are not inconsistent with the provisions of this Act, shall, subject to such adaptations and modifications whether by way of repeal, amendment or addition as may be necessary or expedient, as the State Government may by notification in the Gazette provide, continue in force, and any such adaptation or modification shall not be called in question.

(*2*) The Executive Council may, from time to time make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (*1*).

(*3*) The Executive Council shall not propose the draft of any Statute affecting the status, power or constitution of any authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal and any opinion so expressed shall be in writing and shall be submitted to the Chancellor.

(*4*) Every new Statute or addition to a Statute or any amendment or repeal of a Statute shall be submitted to the Chancellor who may assent to it or withhold his assent therefrom or remit it to the Executive Council for further consideration.

(*5*) A Statute passed by the Executive Council shall have effect from the date it is assented to by the Chancellor or from such later date as may be specified by him.

Ordinances.

51. (*1*) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for any matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Ordinances shall provide for the following matters, namely—

(a) the admission of students to the University and their enrolment and continuance as such;

(b) the courses of study to be laid down for all degrees, diplomas and other academic distinctions of the University;

(c) the conditions under which students shall be admitted to the examinations, degrees and diplomas of the University and shall be eligible for the award of such degrees and diplomas;

(d) the conditions of the award of scholarships, fellowships, studentships, bursaries, medals and prizes;

(e) the conditions of residence of students at the University and the management of halls and hostels maintained by the University;

(f) the recognition and management of halls and hostels not maintained by the University;

(g) the maintenance of discipline among the students of the University;

(h) all matters relating to correspondence courses and private candidates;

(i) the number, qualifications, emoluments and other conditions of service, including the age of retirement of salaried officers of the University other than teachers and the preparation and maintenance of records of their service;

(j) the fees which may be charged by the University or by an affiliated or associated college for any purpose;

(k) the conditions subject to which persons may be recognised as qualified to give instructions in halls and hostels;

(l) the conditions and mode of appointment and the duties of examining bodies, examiners, moderators, invigilators and tabulators;

(m) the conduct of examinations;

(n) the remuneration and allowances including travelling and daily allowances to be paid to persons employed on the business of the University;

(o) all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

Ordinance how made

52. (1) The First Ordinances of each existing University shall be the Ordinances as in force immediately before the commencement of this Act in so far as they are not inconsistent with the provisions of this Act:

Provided that for the purpose of bringing the provisions of any such Ordinances into accord with the provisions of this Act and the Statutes, the Chancellor may by order make such adaptations and modifications of the Ordinances whether by way of repeal, amendment or addition as may be necessary or expedient and provide that the Ordinances shall as

from such date as may be specified in the order have effect subject to the adaptations and modifications so made and any such adaptation or modification shall not be called in question.

(2) The First Ordinances of the Universities of Kumaun and Garhwal and of any other University to be established after the commencement of this Act shall be made by the State Government by notification in the Gazette.

(3) Save as otherwise provided in this section, the Executive Council may, from time to time, make new or additional Ordinances or may amend or repeal the Ordinances referred to in sub-sections (1) and (2):

Provided that no Ordinance shall be made—

(a) effecting the admission of students, or prescribing examinations to be recognized as equivalent to the University examinations or the further qualifications mentioned in sub-section (1) of section 45 for admission to the degree courses of the University, unless a draft of the same has been proposed by the academic council; or

(b) effecting the conditions and mode of appointment and duties of examiners and the conduct or standard of examinations or any course of study except in accordance with a proposal of the Faculty or Faculties concerned and unless a draft of such Ordinance has been proposed by the Academic Council; or

(c) effecting the number, qualifications and emoluments of teachers of the University or the income or expenditure of the University, unless a draft of the same has been approved by the State Government.

(4) The Executive Council shall not have power to amend any draft proposed by the Academic Council under sub-section (3) but may reject it or return to the Academic Council for reconsideration either in whole or in part together with any amendments which the Executive Council may suggest.

(5) All Ordinances made by the Executive Council shall have effect from such date as it may direct and shall be submitted as soon as may be to the Chancellor.

(6) The Chancellor may, at any time signify to the Executive Council his disallowance of such Ordinances other than those referred to in clause (c) of the proviso to sub-section (3) and from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinances shall become void.

(7) The Chancellor may direct that the operation of any Ordinance other than those referred to in clause (c) of the proviso to sub-section (3) shall be suspended until he has an opportunity of exercising his power of disallowance. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order.

Regulations.

53. (1) Subject to the provisions of this Act, the Statutes and the Ordinances, an authority or other body of the University may make Regulations—

(a) laying down the procedure to be followed at its meeting and the number of members required to form the quorum;

(b) providing for all matters which by this Act, the Statutes or the Ordinances are to be provided by Regulations; and

(c) providing for any other matter solely concerning such authority or body and not provided for, by this Act, the Statutes and the Ordinance.

(2) The Regulations made by any authority or other body of the University shall provide for the giving of notice to its members of the dates of meetings and the business to be transacted there at and for the keeping of record of the proceedings of such meetings.

(3) The Executive Council may direct any authority or other body of the University other than the Court to cancel or to amend in such form as may be specified in the direction, any Regulation made by such authority or body and such authority or body shall thereupon cancel or amend the Regulation accordingly:

Provided that any authority or other body of the University, if dissatisfied with any such direction may appeal to the Chancellor who may after obtaining the views of the Executive Council pass such orders as he thinks fit.

(4) The Academic Council may subject to the provisions of the Ordinances, make Regulations providing for the course of study for any examination, degree or diploma of the University only after the Board of Faculty concerned has proposed a draft of the same.

(5) The Academic Council shall not have power to amend or reject any draft proposed by the Board of Faculty under sub-section (4) but may return it to the Board for further consideration together with its own suggestions.

CHAPTER X

ANNUAL REPORTS AND ACCOUNTS

Annual report.

54. (1) The Annual Report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court a month before its annual meeting and the Court shall consider it in its annual meeting.

(2) The Court may, by resolution make recommendations on such report and communicate the same to the Executive Council which may take such action thereon as it thinks fit.

Accounts and audit.

55. (1) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council and all moneys accruing to or received by the University from whatever source and all amounts disbursed or paid shall be entered in the accounts maintained by the University.

(2) A copy of the annual accounts and the balance-sheet shall be submitted to the State Government which shall cause the same to be audited.

(3) The annual accounts and the balance-sheet audited shall be printed and copies thereof shall, together with copies of the audit report be submitted by the Executive Council, to the Court and the State Government.

(4) The Executive Council shall also prepare, before such date as may be prescribed, the budget for the ensuing year.

(5) Every item of new expenditure above such amount as may be prescribed which it is proposed to include in the budget shall be referred by the Executive Council to the Finance Committee which may make recommendations thereon.

(6) The Executive Council shall, after considering the recommendations, if any, of the Finance Committee approve the budget finally.

(7) The annual accounts, the balance-sheet and the audit report shall be considered by the Court at its annual meeting and the Court may, by resolution, make recommendations with reference thereto and communicate the same to the Executive Council.

(8) It shall not be lawful for the Vice-Chancellor or the Executive Council to incur any expenditure—

(a) either not sanctioned in the budget, or in the case of funds granted to the University, subsequent to the sanction of the budget, by the State Government or the Government of India or the University Grants Commission or any international organisation or Foundation, save in accordance with the terms of such grant:

Provided that notwithstanding anything in sub-section (7) of section 13, the Vice-Chancellor may, in the case of fire, flood, excessive rainfall or other sudden or unforeseen circumstances, incur non-recurring expenditure not exceeding rupees five thousand not sanctioned in the budget and he shall immediately inform the State Government in respect of all such expenditure;

(b) on any litigation in opposition to any order of the Chancellor purporting to be made under section 68.

CHAPTER XI

REGULATION OF DEGREE COLLEGES

Definitions.

56. In this Chapter, unless the context otherwise requires:—

(a) "property", in relation to an affiliated or associated college, includes all property, movable and immovable belonging to or endowed wholly or partly for the benefit of the college, including lands, buildings (including hostels), works, library, laboratory, instruments, equipment, furniture, stationery, stores, automobiles and other vehicles, if any, and other things pertaining to the college, cash on hand, cash at bank, investments, and book debts and all other rights and interests arising out of such property as may be in the ownership, possession, power or control of the college and all books of account, registers, and all other documents of whatever nature relating thereto, and shall also be deemed to include all subsisting borrowings, liabilities and obligations of whatever kind of the collage;

(*b*) "salary" means the aggregate of the emoluments including dearness or any other allowance for the time being payable to a teacher or other employee after making permissible deductions.

Power of the State Government to issue notice.

57. If the State Government receives information in respect of any affiliated or associated college (other than a college maintained exclusively by the State Government or a local authority)—

(*i*) that its Management has persistently committed wilful default in paying the salary of the teachers or other employees of the college by the twentieth day of the month next following the month in respect of which or any part of which it is payable; or

(*ii*) that its Management has failed to appoint teaching staff possessing such qualifications as are necessary for the purpose of ensuring the maintenance of academic standards in relation to the college or has appointed or retained in service any teacher in contravention of the Statutes or Ordinances; or

(*iii*) that any dispute with respect to the right claimed by different persons to be lawful office-bearers of its Management has affected the smooth and orderly administration of the college; or

(*iv*) that its Management has persistently failed to provide the college with such adequate and proper accommodation, library, furniture, stationery, laboratory, equipment, and other facilities as are necessary for the efficient administration of the college; or

(*v*) that its Management has substantially diverted, misapplied or mis-appropriated the property of the college to the detriment of the college,

it may call upon the Management to show cause why an order under section 58 should not be made:

Provided that where it is in dispute as to who are the office-bearers of the Management, such notice shall be issued to all persons claiming to be so.

Authorised Controller.

58. (*1*) If the State Government after considering the explanation, if any, submitted by the Management under section 57 is satisfied that any ground mentioned in that section exists, it may, by order, authorise any person (hereinafter referred to as the Authorised Controller) to take over, for such period not exceeding two years as may be specified, the management of the college and its property to the exclusion of the Management, and whenever the Authorised Controller so takes over the management, he shall, subject only to such restrictions as State Government may impose, have in relation to the management of the college and its property all such powers and authority as the Management would have if the college and its property were not taken over under this sub-section:

Provided that if the State Government is of opinion that it is expedient so to do in order to continue to secure the proper management of the college and its property, it may, from time to time, extend the operation of the order, for such period, not exceeding one year at a time, as it may specify, so, however, that the total period of operation of the order, including the period specified in the initial order under this sub-section, does not exceed four years:

Provided further that the State Government may at any time revoke an order made under this sub-section.

(2) Where the State Government, while issuing a notice under section 57 is of opinion, for reasons to be recorded, that immediate action is necessary in the interest of the college, it may suspend the Management, which shall thereupon cease to function, and make such arrangement as it thinks proper for managing the affairs of the college and its property till further proceedings are completed:

Provided that no such order shall remain in force for more than six months from the date of actual taking over of the Management in pursuance of such order:

Provided further that in computation of the said period of six months, the time during which the operation of the order was suspended any order of the High Court passed in exercise of jurisdiction under article 226 of the Constitution or any period during which the Management failed to show cause in pursuance of the notice under section 57, shall be excluded.

(3) Nothing in sub-section (1), shall be construed to confer on the Authorised Controller the power to transfer any immovable property belonging to college (except by way of letting from month to month in the ordinary course of management) or to create any charge thereon (except as a condition of receipt of any grant-in-aid of the college from the State Government or the Government of India).

(4) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or in any instrument relating to the management and control of the college or its property:

Provided that the property of the college and any income therefrom shall continue to be applied for the purposes of the college as provided in any such instrument.

(5) The Director of Education (Higher Education) may give to the Authorised Controller such directions as he may deem necessary for the proper management of the college or its property, and the Authorised Controller shall carry out those directions.

Clause 58 not applied to minority colleges.

59. Nothing contained in section 58 shall apply to a college established and administered by a minority referred to in clause (1) of article 30 of the Constitution of India.

Duty to deliver possession to the Authorised Controller.

60. (1) Where an order has been passed under section 58 in respect of a college, every person in whose possession or custody or under whose control any property of the college may be, shall deliver the property to the Authorised Controller forthwith.

(2) Any person who on the date of such order has in his possession or under his control any books or other documents relating to the college or to its property shall be liable to account for the said books and other documents to the Authorised Controller and shall deliver them up to him or to such person as the Authorised Controller may specify in this behalf.

(3) The Authorised Controller may apply to the Collector for delivery of possession and control over the college or its property or any part thereof, and the Collector may take all necessary steps for securing possession to the Authorised Controller of such college or property, and in particular, may use or cause to be used such force as may be necessary.

CHAPTER XII

PENALTIES AND PROCEDURE

Penalties.

61. (1) Whoever contravenes the provisions of section 46 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or both.

(2) Any person who—

(a) having in his possession, custody or control any property of a college in respect of which an order has been made under section 58 wrongfully withholds such property from the Authorised Controller appointed under that section or from any person authorised by him in that behalf; or

(b) wrongfully obtains possession of any property of such college; or

(c) wilfully withholds or fails to furnish to the Authorised Controller or any person specified by him as required by sub-section (2) of section 60 any books or other documents which may be in his possession, custody or control; or

(d) wilfully obstructs any person from duly carrying out all or any of the provisions of this Act;

shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine, or with both:

Provided that the Court trying any offence under clause (a) or clause (b) of this sub-section may, at the time of convicting the accused person, order him to deliver up or refund within a time to be fixed by the Court any property wrongfully withheld or wrongfully obtained or any book or other document wilfully withheld.

Cognizance by Courts.

62. No court shall take cognizance of an offence punishable under section 61 except with the previous sanction of the Director of Education (Higher Education).

Offences by registered societies.

63. (*1*) If the person committing the offence under section 61 is a society registered under the Societies Registration Act, 1860, the society as well as every person in charge of and responsible to the society for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due deligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a registered society and it is proved that the offence has been committed with the consent or connivance of, or that the commission of offence is attributable to any neglect on the part of any member of the society, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER XIII

MISCELLANEOUS

Manner of appointment of officers and members of authorities.

64. (*1*) Except as expressly provided by this Act or the Statutes, officers of the University and members of authorities of the University shall so far as may be, be chosen by methods other than election.

(*2*) Where a provision is made in this Act or the Statutes for any appointment by rotation or according to seniority or other qualifications, the manner of rotation and determination of seniority and other qualifications shall be such as may be prescribed.

(*3*) Where a provision for an election is made in this Act, such election shall be conducted according to the system of proportional representation by means of the single transferable vote, and where provision for an election is made in the Statutes it shall be held in such manner as the Statutes may provide.

(*4*) Except as expressly provided by this Act, no officer or employee of the University shall be eligible to seek election to any authority or other body of the University.

Filling of casual vacancies.

65. (*1*) Any casual vacancy among the members, other than *ex officio* members, of any authority or body of the University shall be filled in the same manner in which the members whose vacancy is to be filled up was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

(*2*) A person, who is a member of an authority of the University as a representative of another body, whether of the University or outside, shall retain his seat on such authority for so long as he continues to be the representative of such body and thereafter till his successor is duly appointed.

Proceeding not to be invalidated by vacancies, etc.

66. No act or proceedings of any authority or body or committee of the University shall be invalid merely by reason of—

(*a*) any vacancy or defect in the constitution thereof, or

(*b*) some person having taken part in the proceedings who was not entitled to do so, or

(*c*) any defect in the election, nomination or appointment of a person acting as members thereof, or

(*d*) any irregularity in its procedure not affecting the merits of the case.

Removal from membership of the University.

67. The Court may by a two-thirds majority of the members present and voting remove any person from membership of any authority or other body of the University upon the ground that such person has been convicted of an offence which, in the opinion of the Court, is an offence involving moral turpitude or upon the ground that he has been guilty of scandalous conduct or has behaved in a manner unbecoming of a member of the University and may upon the same grounds withdraw from any person any degree, diploma, or certificate conferred or granted by the University.

Reference to the Chancellor.

68. If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, or whether any decision of any authority or officer of the University is in conformity with this Act or the Statutes or the Ordinances made thereunder, the matter shall be referred to the Chancellor and the decision of the Chancellor thereon shall be final:

Provided that no reference under this section shall be made—

(*a*) more than three months after the date when the question could have been raised for the first time;

(*b*) by any person other than an authority or officer of the University or a person aggrieved:

Provided further that the Chancellor may in exceptional circumstances—

(*a*) act *suo motu* or entertain a reference after the expiry of the period mentioned in the preceding proviso;

(*b*) where the matter referred relates to a dispute about the election, and the eligibility of the person so elected is in doubt, pass such orders of stay, as he thinks just and expedient;

(*c*) review any decision made by him earlier under this section.

Bar of suit.

69. All Acts and orders duly and in good faith done or passed by the University or any of its officers, authorities or bodies shall, except as provided in this Act, be final, and no suit or other legal proceedings shall lie against the State Government or the Director of Education (Higher Education) or the Authorised Controller or the University or any officer, authority or body thereof in respect of anything done or purported or intended to be done in pursuance of this Act or the Statutes or the Ordinances made thereunder.

Mode of proof of University record.

70. (*1*) A copy of any receipt, application, notice, order, proceeding, or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein recorded where the original thereof would, if produced, have been admissible in evidence.

(*2*) No officer or servant of the University shall in any proceeding to which the University is not a party, be required to produce any document, register or other record of the University the contents of which can be proved under sub-section (*1*) by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the court made for special cause.

CHAPTER XIV

TRANSITORY PROVISIONS

Continuation of existing officers of the University.

71. Subject to the provisions of this Act, every person holding office as an officer of an existing University on the date immediately before the commencement of this Act, shall continue to hold office on the same terms and conditions until the expiration of his term of office.

Constitution of authorities.

72. (*1*) Every authority of an existing University shall, as soon as may be, after the commencement of this Act, be constituted in accordance with the provisions of this Act, and every person holding office as a member of such authority immediately before the commencement of this Act shall, on such commencement, cease to be such member.

(*2*) Until any authority of the University is constituted under sub-section (*1*), the State Government may, by order direct from time to time, by whom and in what manner the powers, duties and functions exercisable or dischargeable under this Act by any authority of University shall be exercised or discharged:

Provided that no such direction shall be issued after one year from the date of the commencement of this Act.

(*3*) The Administrative Committees and the Academic Committees constituted, in pursuance of sub-section (*2*) of section 67 of the Uttar Pradesh State Universities Ordinance, 1973, shall, on the 15th September, 1973, stand dissolved except as respects things done or omitted to be done by such Committees before that date, but nothing in this sub-section shall be deemed to preclude the State Government from taking, as from that date, such action under sub-section (*2*) as it thinks fit.

Power to remove difficulties.

73. (*1*) The State Government may, for the purpose of removing any difficulty, particularly in relation to the transition from the provisions of the enactments repealed by section 74 to the provisions of this Act, by order published in Official Gazette, direct that the provisions of this Act, shall, during such period as may be specified in the order, have effect subject to such adaptations whether by way of modification, addition or omission as it may deem to be necessary or expedient:

Provided that no such order shall be made after two years from the commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid before both Houses of the State Legislature.

(3) No order under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.

Repeal of certain enactments.

74. (1) The following enactments are hereby repealed, with effect from the respective dates on which this Act is brought into force in relation to the existing University concerned, namely—

(a) the Lucknow University Act, 1920;

(b) the Allahabad University Act, 1921;

(c) the Agra University Act, 1926;

(d) the Gorakhpur University Act, 1956;

(e) the Varanaseya Sanskrit Vishwavidyalaya Act, 1956; and

(f) the Kanpur and Meerut Universities Act, 1965.

(2) Notwithstanding such repeal, all appointments made, orders issued, degrees or diplomas conferred or certificates issued, privileges granted or other things done (including registration of graduates) under any such enactment and in force immediately before the commencement of this Act, shall so far as they are not inconsistent with this Act, be deemed to have been respectively made, issued, conferred, granted or done under this Act.

(3) Notwithstanding anything in sub-sections (1) and (2), or in any other provisions of this Act—

(a) every person holding the office of the head of a department of teaching in a University immediately before the commencement of this Act shall continue to hold such office until First Statutes are made under section 50 read with section 64(2) in respect of the rotation of the said office and when such First Statutes are made, the matter shall be governed by the provisions thereof;

(b) every person holding the office of the Dean of a Faculty in a University immediately before the commencement of this Act who had not completed the term of his office in accordance with the Statutes made under the repealed enactment concerned, shall continue to hold such office till the completion of his term, or until First Statutes are made under the aforesaid sections in respect of the rotation of the said office, whichever be earlier and upon such completion where it takes place before the said First Statutes are made the person who would next be entitled in order of rotation prescribed under those Statutes would assume office as Dean and hold it for a period of three years;

(c) where any institution has applied for affiliation to the University of Agra in accordance with the provisions of the Agra University Act, 1926 before June 18, 1973 and such application was pending on the said date, and the place where the institution is situated lies under this Act outside the area of the University of Agra, such application may be disposed of by the competent authorities of the University of Agra as if the institution would be affiliated to that University, and upon the grant of such application by the Chancellor,

the institution would stand affiliated to the University within whose territorial jurisdiction as specified in section 5, the institution would lie;

(*d*) until fresh panels of experts are drawn up under sub-section (5) of section 31, the Chancellor or the Vice-Chancellor as the case may be, may nominate experts to a Selection Committee under that section from out of the panels in existence immediately before the commencement of this Act.

(*e*) until a Finance Officer is appointed in a University, the functions of the Finance Officer under this Act shall be performed by a Dean of Faculty nominated by the Chancellor in that behalf;

(*f*) until rules are made under section 17, any vacancy in a post of Registrar, Deputy Registrar or Assistant Registrar may be filled on a provisional basis by the Chancellor in the case of the post of Registrar and by the Vice-Chancellor in the case of the post of Deputy Registrar or Assistant Registrar.

Amendment of U.P. Act XXIV of 1965.

75. In section 3 of the Uttar Pradesh Universities (Provisions Regarding Conduct of Examinations) Act, 1965, for the words "two months", the words "six months" shall be substituted.

Repeal and savings.

76. (*1*) The Uttar Pradesh State Universities Ordinance, 1973 is hereby repealed. U.P. Ordinance 1 of 1973.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall, subject to the provisions of sub-section (*3*) of section 72, be deemed to have been done or taken under this Act as if this Act had commenced on the 18th day of June, 1973.

THE SCHEDULE

(*See* section 5)

Serial No.	Name of the University	Area within which the University shall exercise jurisdiction
1	2	3
1.	The University of Lucknow	Area within a radius of sixteen kilometres from the Convocation Hall of the University.
2.	The University of Allahabad	Area within a radius of sixteen kilometres from the Convocation Hall of the University.
3.	The University of Agra	Whole of the Uttar Pradesh excepting the areas mentioned against other Universities in this Schedule.
4.	The University of Gorakhpur	Districts of Gorakhpur, Deoria, Basti, Azamgarh, Ballia, Ghazipur, Gonda, Bahraich, Jaunpur, Sultanpur, Pratapgarh, Faizabad, Mirzapur and Varanasi.
5.	The University of Kanpur	Districts of Allahabad, Fatehpur, Kanpur, Etawah, Farrukhabad, Jhansi, Jalaun, Hamirpur, Banda, Lucknow, Unnao, Rae Bareli, Sitapur, Hardoi, Lakhimpur-Kheri and Bara Banki, excepting the area which lies within the limits of Allahabad University or Lucknow University.
6.	The University of Meerut—	
	(i) until the establishment of the University of Kumaun and Garhwal;	Districts of Meerut, Muzaffarnagar, Saharanpur, Bulandshahr and Dehra Dun.
	(ii) upon the establishment of the Universities of Kumaun and Garhwal.	Districts of Meerut, Muzaffarnagar, Saharanpur and Bulandshahr.
7.	The University of Kumaun.	Districts of Naini Tal, Almora and Pithoragarh.
8.	The University of Garhwal.	Districts of Garhwal, Tehri-Garhwal, Chamoli, Uttarkashi and Dehra Dun.

V. V. GIRI,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

With a view to toning up the academic and financial administration of higher education in the State of U.P. a comprehensive Bill applicable to all the State Universities (except the Roorkee University and Govind Ballabh Pant Agricultural University), was prepared in the light of the recommendations made by various Commissions and Committees appointed by the Government of India and the State Government and also the views of the Vice-Chancellors and other educationists.

2. The Bill, *inter alia*, provides for the re-organisation of the Court, the Executive Council, the Academic Council, the Finance Committee and the Selection Committees for the appointment of teachers in the Universities with a view to making them more effective and compact bodies. It also provides for the constitution of Examination and Admission Committees. The Bill also provides for the appointment of Pro-Vice-Chancellors in certain Universities and a whole-time Finance Officer in place of honorary Treasurer in all Universities.

3. The Bill also contains provisions for the following matters, namely:—

(i) Security of service of teachers of degree colleges.

(ii) Constitution of Selection Committee for the appointment of Principals and teachers of degree colleges.

(iii) Introduction of correspondence courses and allowing persons to appear as private candidates.

(iv) Opening of post-graduate classes in associated colleges of Allahabad and Lucknow Universities with the previous approval of the Chancellor.

(v) Provision for autonomous colleges and working men's colleges.

(vi) Provision for gratuity for teachers killed or wounded in incidents arising out of their duties connected with the conduct of examinations.

(vii) Disqualifications of members of the Executive Council from participation in matters in which their personal interest is involved.

(viii) Supersession of the Executive Council in case of failure to discharge functions properly.

(ix) Students' participation in the University administration.

(x) Penalty for charging capitation fees (whether in the form of donations or otherwise) for admission of students to degree colleges.

(xi) Regulation of the administration of degree colleges.

(xii) Barring suits in civil courts in respect of day to day functioning of the Universities.

4. The aforesaid Bill was passed by the Legislative Council on May 17, 1973 but as the Legislative Assembly was not in session it could not be passed by it. Before the imposition of President's Rule in the State the outgoing Ministry decided in favour of enforcing the Bill as an Ordinance. Accordingly the Bill was promulgated as an Ordinance on June 12, 1973 and made enforceable with effect from June 18, 1973 in respect of Lucknow, Allahabad, Agra, Gorakhpur, Kanpur and Meerut Universities. In the Bill proposed to be introduced now a new Chapter XI regarding Regulation of degree colleges and certain other minor and formal changes have been made.

5. The proposed measure seeks to replace the aforesaid Ordinance with the changes mentioned above.

6. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973 (33 of 1973) has been consulted before the enactment of this measure as a President's Act.

T. R. JAYARAMAN,
Joint Secretary to the Government of India,
Ministry of Education and Social Welfare
(Department of Education).

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